

From: [Vrooman Gary L](#)
To: [Cora, Lori](#)
Subject: RE: Oregon Solid Waste Regulations proposed as ARAR for the Portland Harbor CDF
Date: Monday, June 15, 2015 9:21:42 AM

We will take a look and get back to you Lori.

Gary Vrooman
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Natural Resources Section
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From: Cora, Lori [mailto:Cora.Lori@epa.gov]
Sent: Friday, June 12, 2015 2:32 PM
To: Vrooman Gary L
Cc: Sheldrake, Sean; Koch, Kristine
Subject: Oregon Solid Waste Regulations proposed as ARAR for the Portland Harbor CDF

Hello, Gary. Sorry about the underlining but I can't turn it off. EPA reviewed DEQ's list of solid waste regs. it proposed may be ARAR for the CDF. Below is evaluation. Given that contaminated media is not waste unless disposed of off-site, we were looking at these state regulations as not applicable to a on-site CDF, but potentially relevant and appropriate. Let us know if you and folks at DEQ wish to discuss.

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Additionally, we have identified that the alternatives may include that a transfer station may be located on-site where dredged sediment would be transferred from dredge barge to rail or truck. There too may need to be some debris segmentation and storage until taken off-site for disposal. So could you ask DEQ what solid waste or other state environmental regulations they view may be invoked by such a transfer station and debris sorting facility, if any. As usual, if you could let us know with the next couple of weeks on that, we would really appreciate it.

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Procedural Regulations not ARAR

OAR 340-093-0130, Site Characterization Report: this rule involves preparation of a report required as part of a Solid Waste Disposal Permit application.

OAR 340-093-0140, Detailed Plans and Specifications: this rule discusses plans and specifications that are a requirement of any person applying for a Solid Waste Disposal Permit.

OAR 340-093-0150, Construction Certification: this rule discusses the submittal of a final project report signed by the project engineer or manager as appropriate.

Substantive Regulations (likely not Relevant and Appropriate)

OAR 340-093-0170, Cleanup Materials Contaminated with Hazardous Substances: this rule only applies to cleanup materials contaminated with hazardous substances when such materials are

removed from the site of contamination for treatment and/or disposal elsewhere and are not applicable to hazardous substances cleanups under Oregon law. So this regulation is neither relevant or appropriate to the CDF.

OAR 340-093-0190, Wastes Requiring Special Management: this rule pertains to waste types that are not relevant to the Portland Harbor cleanup, the only special waste listed that is relevant is PCBs, but PCBs over the PTW criteria will not be disposed of in the CDF.

OAR 340-095-0020, Operating Criteria: this rule presents operating requirements for any person who maintains or operates a non-municipal land disposal site. Most of these requirements are relevant to an upland landfill placed into the ground and taking solid waste that might have an odor or attract birds, etc. but not an in-water CDF taking wet sediment, thus this regulation is not relevant or appropriate to the CDF.

OAR 340-095-0040, Groundwater Monitoring: this rule requires that “introduction of any substance from the land disposal site into an aquifer does not impair the aquifer’s recognized beneficial uses... consistent with OAR Chapter 340, Division 40 and any applicable federal or state rules or regulations beyond the solid waste boundary” The CDF is being designed so that there is no impact to the aquifer below it, so a boundary groundwater monitoring program is not relevant or appropriate to the CDF.

Substantive Regulations (potentially Relevant and Appropriate)

OAR 340-095-0010(3), Location Restrictions: the location requirements for a non-municipal land disposal site for Endangered Species (subpart 2) does not appear more stringent than what ESA and Sensitive Hydrologic Environment (subpart 4) is relevant to a underground landfill. The Floodplain criteria (subpart 3)) seems comparable to what the FEMA regulations require however it may be more expansive so we can agree Subpart (3) of this regs is relevant and appropriate to the CDF.

OAR 340-095-0030(5), Design Criteria: substantive criteria is only in subparts 3-5 and of those, the only criteria that appears to be relevant and appropriate to an in-water CDF, which is designed to be pervious, is the **surface drainage control requirement**.

OAR 340-095-0070, Closure Requirements: this rule provides procedures for permanent closure or abandonment of a non-municipal land disposal site including such items as final cover, restoration, and surface water management.

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